Single Bench (1)

CF/1002 (4)

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR

WRIT PETITION (S) No.4538 /2006

PETITIONER :: ISHWAR LAL SAHU, S/O. SHRI JAGAT RAM SAHU, AGED ABOUT 42 YEARS, ASSISTANT TEACHER GOVERNMENT PRIMARY SCHOOL GAURKHEDA, BLOCK AND DISTRICT MAHASAMUND, R/O. RAM RAHIM NAGAR, MAHASAMUND DISTRICT MAHASAMUND (C.G.).

P.R. No. 4593/06
Presented by Shri Umesh Patel
dated 22/8/06

VERSUS

RESPONDENTS :1) STATE OF CHHATTISGARH, THROUGH SECRETARY, DEPARTMENT OF SCHOOL EDUCATION, DKS BHAVAN, RAIPUR (C.G.)

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22/8/06
CLERK to A. G. BILASPUR

:2) COMMISSIONER, DEPARTMENT OF TRIBAL WELFARE, RAIPUR (C.G.)

OATH COMMISSIONER
APARNA MALVIYA
CG
20/08/06
Bilaspur Chhattisgarh

:3) THE DIRECTOR, PUBLIC INSTRUCTION, RAIPUR (C.G.)

WRIT PETITION UNDER ARTICLES 226/227
OF THE CONSTITUTION OF INDIA

XI-HC-22

(39)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP(S).No.4538 **सन्** 2006

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29-8-2006

Smt. Hamida Siddique, counsel for the petitioner.

Shri Satish Gupta, Deputy Govt. Advocate for the State/ respondents, on advance copy.

Heard.

By this petition under Article 226/227 of the Constitution of India the petitioner seeks a direction to the respondents to pay the increments and seniority on the basis of the date of his initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in O.A. No.1452/98 (Harish Chand Singh & others Vs. State of M.P. & Others) dated 31-1-2000.

The case of the petitioner is that the petitioner was appointed as Upper Division Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' tenure, the petitioner was regularized but he is not being given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay scale, wherein learned Tribunal vide order dated 31-1-2000 allowed the same. The petitioner made several representations to accord same treatment as he is also similarly situated Upper Division Teacher but the respondents have not paid any heed, therefore, he is forced to file this petition.

Learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to the respondent No.1 to give similar treatment to the petitioner and the same pay scale which have been sanctioned to other similarly situated teachers on account of the order of

(पीछे देखिये)

XI-HC-22

(40)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the State Administrative Tribunal dated 31-1-2000, to which learned State counsel has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioner appears to be reasonable. Therefore, the petitioner is allowed to make a representation within a period of two weeks from today to the respondent No.1 raising all his grievances and in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioner and taking into account the order dated 31-1-2000 passed by the learned State Administrative Tribunal in O.A. No.1452/98, and if the petitioner stands on the same footings, as the petitioners in O.A. No.1452/98, then he be also sanctioned the same pay scale and seniority.

With the direction aforesaid, the petition stands disposed of.

In view of this order, I.A. No.8164/2006 stands disposed of.

Certified copy as per Rules.

Sd/-
L.C. Bhadoo
Judge

Barve

[redacted]

(पीछे देखिये)

29.06 31.10.06